

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DAVID LORENZA JOYNER, #1230707 §
 §
VS. § CIVIL ACTION NO. G-06-728
 §
THOMAS A. DAVIS, JR., ET AL. §

ORDER

On March 26, 2007, just four days before the Court-imposed deadline for the filing of the Defendants' Motions for Summary Judgment, Plaintiff, David Lorenza Joyner, filed a Motion for Leave to file an Amended Complaint to allege new claims against Defendants Rick Bort and David Bosserman.

While Joyner correctly states that Rule 15 provides that "leave shall be freely given," he fails to cite the qualifying language: "when justice so requires." See Fed.R.Civ.P. 15(a) Here, Joyner seeks to amend his complaint six months after it was filed and only days before the Defendants filed their Motions for Summary Judgment which are now pending before this Court. The newly proposed claims would have been known to Joyner at the time he filed his original complaint. Joyner has provided no good reason for not having acted sooner and justice does not require the addition of these claims at this late date. See NL Industries, Inc. v. GHR Energy Corp., 940 F.2d 957, 964 (5th Cir. 1991)

It is, therefore, the **ORDER** of this Court that "Joyner's Motion for Leave to File Amended Complaint" (Instrument no. 12) is **DENIED**.

DONE at Galveston, Texas, this _____ 9th _____ day of April, 2007.


John R. Froeschner
United States Magistrate Judge